IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 23770 of 2002

Between:

Smt. Sanaka Bala W/o. Manohar Bala
R/o. Nazrulnagar Vilalge No.6, Kaghaznagar Mandal,
District : Adilabad

..... PETITIONER

AND

1 The Mandal Revenue Officer,
Kaghaznagar Mandal, Adilabad District.
2 Revenue Divisional Officer,
Asifabad, District : Adilabad.
3 The District Collector
Adilabad, Adilabad District.
4 The State of Andhra Pradesh,

Rep.by the Chief Secretary,
Secretariat Buildings, Secretariate, Hyderabad.
5 Amal Sardar S/o. Kalipada Sardar
R/o. Nazrulnagar Village No.6 Mandal Kaghznagar,
District : Adilabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to pass an order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ or direction holding the proceedings No. A/3687/202 dt. 8-11-2002

issued by the Respondent No. 1 as illegal, without jurisdiction politically motivated and against the principles of natural justice and to quash the same.

Counsel for the Petitioner: MR.M.A.BARI

Counsel for the Respondent No.1 to 4: GP FOR REVENUE

Counsel for the Respondent No.5: None Appeared

The Court made the following :

ORDER:

Aggrieved of the order Proceedings No.A/3687/2002 dated 8.11.2002 issued by the first respondent cancelling the assignment of land to an extent of Ac.1.50 cents in Sy. No. 17/87/1 and an extent of Ac.0.08 cents in Sy. No. 17/100 made in favour of the petitioner and resumption of the same in to Government Custody in terms of GO Ms. No. 1562 (Rev.V) Department dated 13.9.1963 which immediate effect, for not brining the land under cultivation within a period of three years from the date of assignment, this writ petition is filed.

It is represented by the learned Government Pleader for Revenue that an efficacious alternative remedy is provided under Board Standing Order 15 by way of appeal to the Revenue Divisional Officer and since the petitioner without availing alternative remedy, straightaway approached this court, the writ petition is not maintainable.

It is true, an appeal is provided under the Board Standing Orders passed by the Mandal Revenue Officer. It is also true that the petitioner has surpassed such statutory remedy and invoked extraordinary jurisdiction of this Court under Article 226 of the Constitution. The Apex Court in a decision *U.P. State Bridge Corporation Limited and Others Vs. U.P. Rajya Setu Nigam S. Karmachari Sangh ()* has held that the plea of alternative remedy, even if raised belatedly, should be entertained whether the issue raised in the petition requires resolution of factual controversies. Therefore, in view of these facts, the writ petition is dismissed on the ground of availability of alternative remedy. No costs. However, the

interim suspension ordered on 28.11.2002 is extended for a period of six weeks from today and the petitioner, if so advised, is directed to approached the appellate authority, within a period of four weeks from today.

Elipe Dharma Rao, J.

July 15, 2005

Furnish copy in two days.

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MAS

To

1. The Mandal Revenue Officer,
   Kaghaznagar Mandal, Adilabad District.
2. Revenue Divisional Officer,
   Asifabad, District : Adilabad.
3. The District Collector
   Adilabad, Adilabad District.
4. The Chief Secretary,

Government of Andhra Pradesh,

Secretariat Buildings, Secretariat, Hyderabad.
5. Two CCs to the Govt. Pleader for Revenue, High Court Building,

Hyderabad.

6 2 CD copies

7. 1 CC to MR.BARI

*Form-NIC-OGS/WP{**KMR**}*